



**ACME TOWNSHIP PLANNING COMMISSION MEETING
ACME TOWNSHIP HALL
6042 Acme Road, Williamsburg MI 49690
7:00 p.m. Monday, November 29, 2004**

Meeting called to Order at 7:00 p.m.

Members present: O. Sherberneau (Chair), B. Carstens, D. Hoxsie, D. Krause, E. Takayama, M. Vermetten (7:11 p.m.)

Members excused: None

Staff present: S. Corpe, Recording Secretary/Office & Planning Coordinator
J. Hull, Zoning Administrator
C. Bzdok, Township Counsel

1. Consent Calendar

Motion by Hoxsie, support by Krause to approve the Consent Calendar as printed, including:

Receive and File:

- a) **Draft minutes of the November 9 and November 22, 2004 Board of Trustees meeting** (Attachments A and B included and incorporated by reference)
- b) **Letter from Ed Graft terminating SUP Application #2004-18P** (Attachment C included and incorporated by reference)

Action:

- b) **Approve minutes of October 25, 2004 meeting** (Attachment D included and incorporated by reference)
- c) **Review and approve agenda, inquiry as to conflicts of interest.**

Motion carried unanimously.

Sherberneau made some announcements regarding the change in expected agenda for this evening. Many changes are occurring in the township and the township needs time to adjust. Business items have been deferred to the December 13 meeting, with tonight to be used for organizational issues.

2. Public Hearings:

- a) **Public Hearing regarding Application #2004-14P by Kenneth L. & Janet C. Engle for development of a Winery and Bed & Breakfast operation on property located at 8114 Saylor Road and currently zoned A- 1, Agricultural** (Continued from the September 27 and October 25 meetings – Attachment E included and incorporated by reference):

Motion by Carstens, support by Vermetten to continue the Public Hearing regarding Application #2004-14P to December 13. The Chair cast an unanimous ballot, there being no objection.

- b) **Public Hearing regarding Application #2004-17P by Creekside Village, LLC for Special Use Permit/Site Plan Approval for development of 33 single family site condominium units on property located on Mt. Hope Road in the Acme Village Mixed Use Development** (Continued from the October 25 meeting - Attachment F included and incorporated by reference):

Motion by Vermetten, support by Hoxsie to continue the Public Hearing regarding Application #2004-17P to December 13. The Chair cast an unanimous ballot, there being no objection.

Chuck Walter, 6584 Bates Road, asked if public comment would be taken this evening, and when. Corpe stated to Sherberneau that public comment is generally taken during the “other business” portion of the agenda, although the Commission may entertain comment at any point during the agenda if it chooses. Mr. Walter stated that he came this evening to hear discussion about the proposed Village at Grand Traverse application, which was submitted approximately three weeks ago. He feels that there should have been adequate time for most of the commissioners to be ready to discuss the application

3. Preliminary Hearings: None

4. New Business:

- a) **Discuss possible revisions to Planning Commission rules and operating procedures** (Attachment G included and incorporated by reference): Corpe introduced the material provided in the meeting packets. Discussion began with the Planning Commission bylaws adopted in 1995. Vermetten asked Bzdok if his review has indicated any significant changes that need to be made. Bzdok stated he has not reviewed the document with an eye towards recommendations. PA 168 has undergone revisions since 1995 but he does not believe they would be of such a nature that would create a need for significant changes to the bylaws.

Sherberneau asked if the Commission would like to move the annual election of officers from July to December. Krause asked if there would be any particular reason for or against such a change; Corpe said that it would be largely a matter of preference. Taking care of elections and setting an annual schedule all at once rather than at two separate times of the year might be more efficient. Carstens feels that a switch to December would be particularly timely in light of the change of membership, but would not want to hold the actual election until all of the new Commission members have been appointed. Vermetten also supported a calendar year election cycle if it would provide a benefit.

Given consensus that annual elections will be moved to December, Carstens and Takayama wanted to wait to hold officer elections until the three new appointments are made. Krause and Hoxsie felt it should be possible to proceed this evening, feeling it most likely than an experienced member of the Commission would be elected to most or all slots.

Turning to the bylaws, Carstens said he took a cursory look at a sample Commission bylaws Corpe found on the MTA website. Both theirs and ours seem fairly generic to him. Various minor housekeeping changes were discussed and are noted in handwriting on the copy of the bylaws stored with the meeting packet in the township’s archives.

Corpe asked if any amendments to paragraph 4.4 might be desired. This section addresses special hearings. The township’s fees schedule allows for special meetings subject to payment of an additional fee, but nowhere are there any guidelines set for when and how special meetings should be approved. Vermetten felt the paragraph was adequate as it stands. Takayama felt that at least a one-sentence change might be in order calling for a vote of the whole commission in order to hold a special meeting. Sherberneau, Vermetten and Krause were comfortable with special meetings being called at the discretion of the Chairman as stated in the bylaws. Bzdok felt that the Commission should not unnecessarily limit its discretion and

flexibility. Takayama stated that as a member of the public, it is sometimes difficult for people to find out when special meetings are occurring unless you are watching for them all the time. Most business should be held at regular meetings when the public is expecting it. Marg Goss, 4105 Bay Valley Drive, and Dan Hanna, 7239 Lautner Road, responded that tonight would be a case in point. Regular business that was expected this evening has not been conducted, which seemed contradictory to the discussion in their opinion.

Discussion turned to the memo Corpe prepared with some questions and ideas for consideration regarding how the Commission schedule works. Krause brought up the question regarding whether or not preliminary hearings should be held for each application. He supported the idea of optional preliminary hearings, partially based on the complexity of an application. This decision could be made by staff and the Chair jointly. Takayama agreed with the idea as well. Vermetten feels all matters should go straight to public hearing, which he sees happening in more and more townships. Public hearings can always be continued if necessary. It would be cheaper for the applicant and more efficient. Bzdok stated that he suspects that the policy for having a preliminary hearing come from the Special Use section of the ordinance regarding "adequate review and study" of an application. This section of the ordinance may have been interpreted to mean that Commission review is required over and above staff review when the bylaws were originally drafted. If preliminary hearings were to become optional, it might be advisable to make a slight change to the ordinance to specify that staff review is required prior to public hearing. Carstens feels that he has often learned new things through the preliminary hearing process that caused him to do a better job over all. He has gained a better appreciation of a situation through public comments. However, if it is possible to continue public hearings if there are questions, he is less concerned about possible elimination of preliminary hearings. Hoxsie believes that a system whereby only highly complex applications require a preliminary hearing can be effective.

Carstens expressed concerns about perceptions of unfairness if some people are made to have a preliminary hearing and some are not. Sherberneau asked Bzdok if an optional practice could be seen as discriminatory; Bzdok replied that as long as a system is clearly in place, perhaps being spelled out in the bylaws, discretion remains. Some ordinances or bylaws clearly set out types of applications that would fall into one category or another. Sometimes a project can seem to be in one box but end up in another box. Vermetten observed that there can always be perceptions of unfairness; this is another reason why he advocates always going directly to public hearing and requesting more information at that time. The Commission often is bogged down by the multi-part process which causes time, money and delays for everyone. Carstens felt that the election has played a part in the current schedule congestion. Krause still believed that there should be discretion on a case-by-case basis rather than flatly eliminating ~~public~~ **preliminary** hearings. Takayama thinks that there are differences between situations and the Commission needs to reserve the right to have a preliminary hearing.

Hoxsie asked changing procedures during a period of other turmoil would be the best course of action. Would it be better to wait six months or a year to let people get acclimated and then discuss changes? The balance of the Commission concurred that this might be a better approach to take.

Sherberneau asked how many applications the Commission feels it can handle per meeting, noting that the Commission may be limited to one meeting per month due to budgetary considerations. Mr. Walter asked why this should be an issue, if applicants must pay the full costs of their applications. Krause and Vermetten both expressed an

opinion that this answer will vary with the complexity of the applications.

- b) **Discuss meeting schedule for 2005** (Attachment H included and incorporated by reference): The question of the appropriate relationship of application submission dates to meeting dates was discussed. Takayama and Krause supported lengthening the time period between the dates; Vermetten favored leaving it at three weeks. Carstens and Hoxsie felt that if staff is saying that the workload is so heavy that more time is needed, he would be willing to extend to a four-week lead time. Takayama observed that with more lead time, packets can be more complete and there's more time for give and take discussions between applicants and staff.

Motion by Takayama, support by Krause set a four-week lead time for application submissions prior to meetings. Motion carried by a vote of 5 in favor (Carstens, Hoxsie, Krause, Sherberneau, Takayama) and 1 opposed (Vermetten).

Motion by Hoxsie, support by Vermetten to adopt the proposed meeting schedule for 2005, changing from October 31 to October 24 in recognition of Halloween. The Chair cast an unanimous ballot, there being no objection.

- c) **Election of officers:** Until the bylaws are changed to set the organizational meeting in December or January, the terms of office will expire in July 2005, according to the existing bylaws,

Motion by Krause, support by Hoxsie to nominate Vermetten as Vice Chair. Vermetten expressed gratification and concern about any additional time commitment, but finally accepted the nomination. **Motion carried unanimously.**

Motion by Hoxsie, support by Vermetten to nominate Krause as Secretary. Motion carried unanimously.

- d) **Appointment of Planning Commission representative to the Zoning Board of Appeals:** Corpe and Hull provided a brief overview of the commitments involved in accepting a position on the ZBA. Hoxsie stated that he feels there is some benefit to having the Commission Chair fulfill the dual Commission/ZBA rule, but Sherberneau was reluctant to accept a nomination. Sherberneau asked Hoxsie if he would be interested in serving; Hoxsie declined, noting that his continued tenure on the Commission is temporary only.

Motion by Vermetten, support by Takayama to appoint Krause as the Planning Commission representative to the ZBA. Motion carried unanimously.

5. **Old Business:** None

6. **Any other business that may come before the Commission:**

Ken Engle, Yuba Road, was interested in the discussion about the possibility of eliminating preliminary hearings. He feels the idea merits further consideration. There could be time for discussion and input from the public. Right now, the process can seem to drag on too long. By increasing the amount of lead time for applications to a date prior to the meeting before which they would first be heard, it would be possible to discuss the forthcoming meeting at the previous meeting and better prepare for a smooth workflow. A calendar of pending applications could be created for the public, which would enhance their sense of notification, and the Commission would know what to expect and be better prepared.

Tim Stoecker, on behalf of The Village at Grand Traverse, LLC. and Meijer, Inc. stated that

his clients believe a preliminary hearing regarding their application should have been held as originally planned this evening. He especially feels that in light of the inconclusive discussions this evening, the time was wasted. He was informed by Bzdok rather than the Commission Chair that their hearing would be rescheduled. The application was provided five days prior to the submission deadline, and most of the Commission members present are already familiar with the project in the applicant's opinion. One new Commissioner (Takayama) is familiar with the application, being an interested member of the public during earlier proceedings. Mr. Stoepker was concerned that Takayama was only receiving his copy of the information this evening, having thought he would have received it last week right after his appointment to the Commission. He notes that at least four special meetings regarding the SUP already issued to The Village were held before a decision was made. He is concerned because Bzdok, who notified him of the change in schedule regarding the current application, has also filed documents with the court stating that the previous decisions were faulty, and has also represented CCAT in the past. The planner reviewing the application resigned through no fault of the applicant. Mr. Stoepker asked if their application would be substantively heard on December 13 as rescheduled; Sherberneau stated that it would. Sherberneau stated that he made the decision a week ago to postpone new business and work organizationally. Mr. Stoepker asked if he will be told that there will be another delay in hearing their application between now and December 13 due to a lack of a Planner or the advent of two new members; Sherberneau stated that regardless of these factors the application will be on the agenda. He expressed a desire to move things forward rather than needlessly delaying them. Mr. Stoepker stated respect for the Chair's decision in setting the agenda this evening.

Takayama stated that he is only receiving his packet today through no fault of staff; he was notified previously that it was available but chose not to pick it up because the matter was being moved to the next meeting.

Herb Smith, 3272 Michael Drive, stated that he was the Planning Commission Chair for 9 of his nearly 10 years on the Commission before being told he could resign or be removed from office by the new Board. He expressed high regard for everyone he has worked with on the Commission and staff, saying that their dedication made his job as a chairman easier. He thanked the Commission for their dedication to the township. Sherberneau offered his thanks to both Mr. Smith and Pat Salathiel, who was also in the audience. He stated it was a pleasure and honor to serve with both of them.

Virginia Tegel, 4810 Bartlett Road, thanked everyone who serves or has served on the Commission for their hard work. She stated that it is important for special meetings to be set by voted motion during a regularly scheduled meeting so that the public can be as aware of them as possible. Ms. Tegel also spoke to the idea of holding or not holding preliminary hearings. She does not believe that the amount of time required to take this step should be a valid concern. Time is needed to perform research and gathering data. She also asked if the meeting for December 13 could be held in a larger venue, as it may generate substantial interest.

Eugene LaLone, 9014 Bates Road, asked if the public would be entitled to vote on the development application at public hearing. Sherberneau stated that the public is always given input at that time. Mr. LaLone asked if the public's vote can ever override the commission; Sherberneau replied that this would not be the case.

Marg Goss stated that she has been a summer resident for 30 years. She paid little attention to local politics, even though she paid taxes. Now, she is very aware that this was a mistake on her part. She fears that too many people in Acme are too busy or unconcerned to pay attention and will discover the consequences of decisions made of the past two years way too late. Mrs. Goss stated that she feels that local government processes are manipulative,

secretive and unfair, and are very carefully orchestrated.

Meeting adjourned at 8:51 p.m.